

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

If past application of copy control technology is an indication, then yes, a broadcast flag would most certainly interfere with Fair Use. As entertainment technology has changed over the past 25 years, there has been a desire on the part of the people to transfer works to these newer technologies. Often, this is for preservation of works no longer "in print" and to avoid loss of access to these works due to playback equipment obsolescence. Based on the rhetoric I have heard from the proponents of the broadcast flag, I am not optimistic that this "carry forward" of works would be permitted without being required to purchase access privileges again.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices?
Yes.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

If the newer equipment is designed to query the capability of the older equipment and then withhold the content, or to withhold content if copy control cannot be established, then yes, the broadcast flag enabled equipment is a hinderance to Fair Use.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

Of course, but the question becomes *who* will be allowed to develop future equipment?

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

In terms of dollars and cents to the purchase price of receivers, probably very little. In terms of the chilling effect this technology will have on the free flow of information in a free society, possibly very high.

Other Comments:

I find that broad control schemes like the Broadcast Flag to be very chilling. I cannot stress enough that one of the requirements of a free society is the free flow of information. The authors of the Constitution recognized this and they also recognized that authors of creative works needed an assurance of compensation for their work while at the same time mandating that works would eventually be made public domain.

Unfortunately, in recent years Copyright law has been modified so that transfer of works to the public domain is almost certainly never to occur.

The Broadcast Flag coupled with the Digital Millenium Copyright Act practically guarantees that works will be prevented from being transfered to the public domain for far too many years to be of use to the people.

My personal observation, based on my experience writing some small software

programs, is that I cannot lay claim to being the creator of these works, but rather an assembler of my ideas mixed with those who have built on the ideas of others. So I do not believe anyone can lay claim to being the sole creator of a work. All of our knowledge and technology is built on the work of many who have come before going back thousands of years. To now deny that precedent and to attempt to prevent it from continuing is folly indeed.